UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JEFFERY LEE MILLER]	
Petitioner,]	
]	
v.]	No. 3:05-1089
]	Judge Trauger
ROBERT WALLER, WARDEN]	
Respondent.]	

ORDER

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which relief can be granted. Therefore, the petition for writ of habeas corpus (Docket Entry No. 1) is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

Aleta A. Trauger

United States District Judge